

**UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 24-80019-CR-CANNON**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**FERMIN ARICIAGA-HERNANDEZ,**

**a/k/a “Valientin Elizalde”**

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** comes before the Court upon the Report and Recommendation entered by Magistrate Judge Ryon M. McCabe Following Change of Plea Hearing [ECF No. 20]. On April 16, 2024, Magistrate Judge McCabe held a Change of Plea hearing [ECF No. 17] during which Defendant pled guilty to the sole Count of the Indictment [ECF No. 11] pursuant to a written plea agreement and factual proffer [ECF Nos. 18, 19]. Magistrate Judge McCabe thereafter issued a Report recommending that the Court accept Defendant’s guilty plea to the sole Count of the Indictment, that the Court find Defendant to have freely and voluntarily entered his guilty plea, and that the Court adjudicate him guilty of the offense [ECF No. 11]. No objections to the Report have been filed, and the time to do so has expired.

The Court has conducted a review of the record and finds no error in the Report. Therefore, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 20] is **AFFIRMED AND ADOPTED**.
2. The guilty plea entered into by Defendant **Fermin Ariciaga-Hernandez** as to the sole Count of the Indictment is **ACCEPTED**.

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3. Defendant **Fermin Ariciaga-Hernandez** is adjudicated guilty of the sole Count of the Indictment which charges him with, illegal reentry after deportation or removal, in violation of Title 8 U.S.C. § 1326(a) and (b)(1) [ECF No. 11].

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 30th day of April 2024.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', is written over a horizontal line.

**AILEEN M. CANNON**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record